

Sym

DANIEL F. GALLERY
JESSE W. BARTON
PAUL T. JOHNSON

GALLERY & BARTON
A PROFESSIONAL LAW CORPORATION
1112 I STREET, SUITE 240
SACRAMENTO, CA 95814-2865

P: (916) 444-2880
F: (916) 444-6915
WWW.GALLERYBARTONLAW.COM

WRITER'S E-MAIL: jbarton@gallerybartonlaw.com

March 20, 2009

Ms. Sue McConnell
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

RECEIVED
SACRAMENTO
CVRWQCB
09 MAR 23 PM 1:51

RE: Draft Cleanup and Abatement Order – Rubicon Trail

Dear Ms. McConnell:

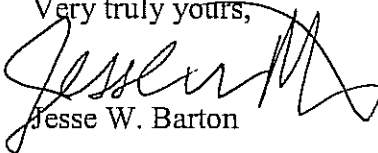
This office represents the Rubicon Trail Foundation (“RTF”) and by this letter we request the public comment period to submit comments on the draft Cleanup and Abatement Order be extended an additional sixty-two (62) days (i.e. until June 1). There are compelling reasons to grant this additional time:

- We acquired the Rubicon Trail Master Plan on March 7 and the administrative record on March 10. As you know, both sets of documents are comprised of several hundred pages of text and several studies that we have not had adequate time to review. Judging from what we have reviewed in the administrative record, it appears the Regional Board has been working on this project for almost a full year. By giving the regulated parties only 65 days to respond, in a meaningful manner, the Regional Board is denying our clients due process of law.
- Some of the studies referred to above appear to make assumptions that lead to questionable results. In order to effectively evaluate these studies, we will need to perform our own studies—something that cannot be accomplished in the small amount of time we have available.
- The Rubicon is currently snowed in and the portions we need to study are inaccessible. We need additional time for the snow to melt to gain access.
- The County of El Dorado is currently waiting for the results of a very important study performed on the Rubicon by the California Geological Survey. We understand the report has been partially drafted, but will not likely be available by March 31. This study performed a variety of evaluations on the Trail and it is essential that it be included in our comments.
- We understand that the Regional Board is planning to hold a hearing on the draft CAO in mid-April. This means that we will only have about two weeks to review all

of the comments filed with the Regional Water Board during the public comment period. This will not be enough time to consider and review those comments, which we understand now includes several thousand letters.

For all of the above reasons we believe our clients are entitled to additional time to submit comments and a delay of the possible hearing. We appreciate the Regional Board's time and anticipated cooperation.

Very truly yours,



Jesse W. Barton

cc. client